

## **REMARKS**

### **I. Status of the claims**

Claims 1-4, 7-23, and 25 were previously canceled.

Claims 5-6, 24, 26-31 are pending.

### **II. Claim rejections over Goodwin et al.**

The examiner has rejected claims 5, 6, 24, and 26-31 under §102(e) as being anticipated by Goodwin et al., (U.S. 7,211,259). Applicant is submitting affidavits executed by Dr. Byoung Kwon, the inventor of the application captioned-above and by Dr. Kack Kim, for examiner's consideration for a priority showing under 37 CFR 41.202(d)(1).

In summary, as illustrated in the enclosed affidavits and the accompanying exhibits from which the dates have been redacted, applicant states that prior to May 7, 1993, degenerate primers were designed to obtain human 4-1BB cDNA sequence and the full-length human 4-1BB cDNA sequence information was used to design specific primers for directional cloning of a human 4-1BB DNA fragment in an expression vector. In addition, the DNA encoding the human 4-1BB protein, including the extracellular portion was cloned and the protein product was purified for subsequent analysis.

The examiner is welcome to contact the applicant's representative for any clarification or questions. The Commissioner is hereby authorized to charge any additional amounts as necessary, or to credit any overpayments, to our Deposit Account No. 12-0913, with reference to our matter number 29920-77259.

Respectfully submitted,  
Barnes & Thornburg LLP

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